

ATTACHMENT D

P94-092

February 9, 1995

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RESOLUTION NO. 1725

ADOPTED BY THE SACRAMENTO PLANNING COMMISSION

ON DATE OF February 9, 1995

A RESOLUTION ADOPTING FINDINGS OF FACT
AND APPROVING A VARIANCE FOR PROPERTY
LOCATED AT 2601 CAPITOL AVENUE
(P94-092) (APN: 007-0165-015)

WHEREAS, the City Planning Commission on January 26, 1995, held a public hearing on the request for approval of a variance to allow 100% commercial use of the building for property located at the above described location;

WHEREAS, the City Environmental Coordinator has determined that the proposed project will not have a significant effect on the environment, and has provided notice to the public of the preparation of a Negative Declaration;

WHEREAS, the Planning staff has submitted to the City Planning Commission its report and recommendations on the proposed development;

WHEREAS, the Planning Commission adopts the following findings of fact for the variance:

1. Granting the variance does not constitute a special privilege extended to an individual property owner in that variances would be granted to other property owners facing similar circumstances.
2. Granting the variance would not be detrimental to the public welfare nor result in the creation of a public nuisance in that:
 - a. the site is currently developed with a commercial/office building;
 - b. the project complies with the Central City Housing Strategy Implementation requirements for lots of 3,200 square feet or less; and
 - c. the project will conform to all other zoning requirements for the RMX zone.

3. Granting the variance does not constitute a use variance in that deli/markets are allowed in the Residential Mixed Use (RMX) zone.
4. The project is compatible with the adjacent neighborhood which is a mix of residential and office uses.
5. The project is consistent with the General Plan which designates the site as high density residential.

NOW, THEREFORE, BE IT RESOLVED BY THE COMMISSION OF THE CITY OF SACRAMENTO THAT:

The variance to allow 100% of the building to be used as commercial is hereby approved, subject to the following conditions:

1. A "Good Neighbor Policy" shall be established which includes:
 - a. For 18 months following the opening of the deli, community meetings shall be held quarterly by the owner and/or operator of the deli/market. The owner and/or operator shall work with the Winn-Park/Capitol Avenue Neighborhood Association to arrange these meetings and notice the neighbors and association members. The purpose of these meetings is to receive comments and concerns from the neighbors and work towards possible solutions. The owner and/or operator shall advise City Planning staff of meeting date, time and place two weeks in advance. A list of attendees and minutes of the meeting shall be submitted to the Planning Department within one week following the meeting.

After the 18 month period community meetings shall be conducted as requested by the Neighborhood Association.
 - b. A sign indicating a 24 hour emergency phone number and contact person shall be posted on the building.
 - c. The area within a one block direction (all directions) of this business shall be patrolled once a day for trash/litter. The owner/operator shall be responsible for the removal of all trash/litter generated by the deli/market.
 - d. The owner/operator of the deli/market shall not allow non-customers to gather or sit in or around the deli/market or sidewalk cafe.

2. Hours of operation for a market/deli will be from 7:00 A.M. to 8:00 P.M.
3. Store windows shall be left unobstructed to all viewing of the interior of the business by patrolling police.
4. The following security standards shall be incorporated into the interior design of the building:
 - a. The cashier stations shall be unobstructed by overhead or any other form of merchandise display to ensure complete visibility of the market.
 - b. Mirrors or closed circuit television will be placed in such a manner as to provide employees with the ability to observe all hidden corners and blind spots.
 - c. The market shall be equipped with UL approved money safes. Signs shall be prominently posted stating that employees do not have access to the safe.
 - d. The market shall be equipped with remote locking devices to enable public entry doorway to be locked from cashier station.
5. All illegal activities observed on or around the business shall be promptly reported to the Police Department.
6. No pay telephones shall be maintained on the interior or exterior of the building.


CHAIRPERSON

ATTEST:


SECRETARY TO PLANNING COMMISSION